

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEREMIAH JACKSON,

Plaintiff,

Case No. 1:22-cv-8

v.

Honorable Ray Kent

UNKNOWN MARTINO et al.,

Defendants.

ORDER OF TRANSFER

This is a civil rights action brought by a state prisoner under 42 U.S.C. § 1983. Plaintiff presently is incarcerated at the Carson City Correctional Facility (DRF) in Carson City, Montcalm County, Michigan, though the events giving rise to Plaintiff's action occurred at the Macomb Correctional Facility (MRF) in New Haven, Macomb County, Michigan. Plaintiff sues the following MRF personnel: Doctors Unknown Martino and Unknown Obiakar, Registered Nurses E. Nguyen and T. Johnson, HUM E. Parr-Mirza, and Corrections Officers Unknown Part(y)(ies). In his *pro se* complaint, Plaintiff alleges that he faced multiple difficulties at MRF after he received a hip replacement.

Under the revised venue statute, venue in federal-question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). The events underlying the complaint occurred in Macomb County. Defendants are public officials serving in Macomb County, and they "reside" in that county for purposes of venue over a suit challenging official acts. *See Butterworth v. Hill*, 114 U.S. 128, 132 (1885); *O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). Macomb County

is within the geographical boundaries of the Eastern District of Michigan. 28 U.S.C. § 102(a). In these circumstances, venue is proper only in the Eastern District. Therefore:

IT IS ORDERED that this case be transferred to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. § 1406(a). **It is noted that Plaintiff has neither paid the filing fee nor filed a motion to proceed *in forma pauperis*. Moreover, the Court has not reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c).**

Dated: January 24, 2022

/s/ Ray Kent

Ray Kent

United States Magistrate Judge